

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

XIAO W. HUANG,) Case No. CV 11-5483 PA (JCG)

Petitioner,

V.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

Case No. CV 11-5483 PA (JCG)

ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE AND DENYING CERTIFICATE OF APPEALABILITY

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge’s Report and Recommendation, and the remaining record. No objections to the Report and Recommendation have been filed.

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*

¹ *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

4 || DATED: October 11, 2013

Tony Alder

HON. PERCY ANDERSON
UNITED STATES DISTRICT JUDGE